

Maximilian Travis, Esq.
MUCHMORE & ASSOCIATES PLLC
217 Havemeyer Street, 4th Floor
Brooklyn, NY 11211
(917) 932-0299
mtravis@muchmorelaw.com
Counsel to Kevin Kelly and Edel Kelly

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

ORION HEALTHCORP, INC.
CONSTELLATION HEALTHCARE TECHNOLOGIES, INC.
NEMS ACQUISITION, LLC
NORTHEAST MEDICAL SOLUTIONS, LLC
NEMS WEST VIRGINIA, LLC
PHYSICIANS PRACTICE PLUS, LLC
PHYSICIANS PRACTICE PLUS HOLDINGS, LLC
MEDICAL BILLING SERVICES, INC.
RAND MEDICAL BILLING, INC.
RMI PHYSICIAN SERVICES CORPORATION
WESTERN SKIES PRACTICE MANAGEMENT, INC.
INTEGRATED PHYSICIAN SOLUTIONS, INC.
NYNM ACQUISITION, LLC
NORTHSTAR FHA, LLC
NORTHSTAR FIRST HEALTH, LLC
VACHETTE BUSINESS SERVICES, LTD.
MDRX MEDICAL BILLING, LLC
VEGA MEDICAL PROFESSIONALS, LLC
ALLEGIANCE CONSULTING ASSOCIATES, LLC
ALLEGIANCE BILLING & CONSULTING, LLC
PHOENIX HEALTH, LLC

Chapter 11

Case No. 18-71748 (AST)
Case No. 18-71749 (AST)
Case No. 18-71750 (AST)
Case No. 18-71751 (AST)
Case No. 18-71752 (AST)
Case No. 18-71753 (AST)
Case No. 18-71754 (AST)
Case No. 18-71755 (AST)
Case No. 18-71756 (AST)
Case No. 18-71757 (AST)
Case No. 18-71758 (AST)
Case No. 18-71759 (AST)
Case No. 18-71760 (AST)
Case No. 18-71761 (AST)
Case No. 18-71762 (AST)
Case No. 18-71763 (AST)
Case No. 18-71764 (AST)
Case No. 18-71765 (AST)
Case No. 18-71766 (AST)
Case No. 18-71767 (AST)
Case No. 18-71789 (AST)

Debtors.

(Joint Administration)

-----x
CONSTELLATION HEALTHCARE TECHNOLOGIES, INC.
AND NEW YORK NETWORK MANAGEMENT, L.L.C.,

Plaintiffs,

Adv. Pro. No. 18-08155

v.

KEVIN KELLY AND EDEL KELLY

Defendants.

-----x

**DECLARATION OF MAXIMILIAN TRAVIS IN OPPOSITION
TO MOTION OR SUMMARY JUDGMENT**

MAXIMILIAN TRAVIS, an attorney duly admitted to practice law before the United States Bankruptcy Court for the Eastern District of New York, affirms the following under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am counsel for Kevin Kelly and Edel Kelly herein and in the litigation pending under the captions *Kevin Kelly and Edel Kelly v. New York Network Management, L.L.C. and Elizabeth Kelly* (Index No. 522255/2016) and *New York Network Management, L.L.C. v. Kevin Kelly* (Index No. 522203/2016) in the Supreme Court of New York, Kings County. As such, I have personal knowledge of the facts set forth herein.

2. Annexed hereto as Exhibit “A1” is a true and correct copy of the Credit Agreement dated January 30, 2017 between Debtors and Bank of America, N.A., produced to my firm in the instant litigation by New York Network Management, L.L.C.

3. Annexed hereto as Exhibit “A2” is the Incremental Term Increase Agreement and Lender Joinder Agreement dated March 10, 2017 and Joinder Agreement dated August 3, 2017, produced to my firm in the instant litigation by New York Network Management, L.L.C.

4. Annexed hereto as Exhibit “B” is a true and correct copy of the Summons, Complaint, and Amended Complaint filed in the litigation under the caption *Kevin Kelly and Edel Kelly v. New York Network Management, L.L.C. and Elizabeth Kelly* (Index No. 522255/2016) in the Supreme Court of New York, Kings County.

5. Annexed hereto as Exhibit “C” is a true and correct copy of the Membership Interests Purchase Agreement dated March 10, 2017 and filed in the litigation *In re Orion Healthcorp. Inc.* Index No. 18-71748 in the United States Bankruptcy Court for the Eastern District of New York.

6. Annexed hereto as Exhibit “D” is a true and correct copy of the Amended and Restated Escrow Agreement, dated March 24, 21017, among Elizabeth Kelly, Michaela Kricher, and Cliona

Sotiropoulos, and Holland & Knight LLP, produced to my firm in litigation under the caption *Kevin Kelly and Edel Kelly v. New York Network Management, L.L.C. and Elizabeth Kelly* (Index No. 522255/2016) in the Supreme Court of New York, Kings County.

7. Annexed hereto as Exhibit "E" is a true and correct copy of the Escrow Payment Wire Instructions produced to my firm in litigation under the caption *Kevin Kelly and Edel Kelly v. New York Network Management, L.L.C. and Elizabeth Kelly* (Index No. 522255/2016) in the Supreme Court of New York, Kings County, except that the routing and account numbers have been redacted.

8. Annexed hereto as Exhibit "F" is a true and correct copy of the Order for Joint Administration dated July 10, 2018 filed in the litigation *In re Orion Healthcorp. Inc.* Index No. 18-71748 in the United States Bankruptcy Court for the Eastern District of New York.

9. Annexed hereto as Exhibit "G" is a true and correct copy of the Order of Judge Wavny Toussaint dated January 3, 2017, filed in the litigation under the caption *New York Network Management L.L.C. v. Kevin Kelly and Auciello Law Group* (Index No. 522203/2016) in the Supreme Court of New York, Kings County.

10 Annexed hereto as Exhibit "H" is a true and correct copy of the Order of Judge Wavny Toussaint dated October 20, 2017, filed in the litigation under the caption *New York Network Management L.L.C. v. Kevin Kelly and Auciello Law Group* (Index No. 522203/2016) in the Supreme Court of New York, Kings County.

11. Annexed hereto as Exhibit "I" are the true and correct copies of the Order of Judge Wavny Toussaint dated March 28, 2018, and the Order of Judge Wavny Toussaint dated April 27, 2018, filed in the litigation under the caption *New York Network Management L.L.C. v. Kevin Kelly and Auciello Law Group* (Index No. 522203/2016) in the Supreme Court of New York, Kings County.

Dated: January 18, 2019
Brooklyn, NY

MUCHMORE & ASSOCIATES PLLC
Counsel to Kevin Kelly and Edel Kelly

By:/s/ Maximilian Travis _____.

Maximilian Travis (MT 7200)
217 Havemeyer Street, 4th Floor
Brooklyn, NY 11211
(917) 932-0299